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Research Article

SEXUAL OFFENCES AGAINST CHILDREN IN INDIA: ON THE HIGHER SIDE

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ABSTRACT

The people who are involved with prolonged sitting or standing in their day to day activities tend to have an increased risk for varicose veins. The reason is the same for the security guards, who are as a part of their profession need to stand for prolonged periods, placing them at the highest risk of developing varicose veins.

Objectives: This study was designed to assess the knowledge of varicose vein among security guards.

Methods: A descriptive cross sectional study was done among 100 security guards working in Mangaluru with a minimum one year of service as security guard was included in the study. Samples were selected by non-probability purposive sampling. The data was collected using a valid structured knowledge questionnaire.

Results: Out of 100 security guards, majority 70% had average knowledge, 27% had poor knowledge and only 3% had good knowledge.

Conclusion: The present study aimed at assessing the knowledge of varicose veins among the security guards. According to the findings of the study, security guards are having average knowledge about varicose vein.

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INTRODUCTION

The progress of a nation depends largely upon the economic resources, manpower resources and the industrial resources. A country needs to preserve all these resources for the purpose of its growth. Though in India human resource is abundant, but this resource is being wasted. The reason being that efficiency of this human resource is being reduced by poverty, unemployment and other such practices which reduce human efficiency. The children who are 'Powerhouse of Energy' can contribute largely towards the development of the nation. Child development should be of great concern for an overall development of this resource. But sadly the menace of child sexual abuse has been a major factor for destroying the energy and vigour of children. Many children and their innocence is being mutilated by the criminals who in order to satisfy their lust prey upon the children and make them worthless and full of negative thoughts and energy. Possibly what can a child who is mentally devastated at a tender age, contribute to the progress of the country.

The children if are sexually victimized, it is likely that their health physical as well as mental is damaged. The child sexual abuse can have two kinds of effects on children either they can go into extreme depression or they can become rebellious. Both are dangerous for the children. As if the children because of the

sexual violence against them become violent and rebellious, it is likely that they themselves indulge in negative activities. It may increase the crime graph and the number of juvenile offenders may increase instead of decreasing. They may drop out from the school early thereby raising illiteracy further. According to one assumption that 40 percent of Indian's children are drop out from school before 8th standard. The Government and the society should provide an environment conducive to the growth of the child and that is the right of the child.

Sexual Offences against Children: - A plethora of sexual offences are committed against children in our country. The major ones are as follows.

Child Prostitution: -It is not known where prostitution made its first appearance though there is a view that 'Greece' the seat of ancient culture and civilization, is land of its birth. The word 'Prostitutes' has been derived from the 'Latin' word 'Prostibula or Proveda'. The houses of ancient Greek prostitutes or harlots were not allowed to be opened before the ninth hour to four o'clock in afternoon so as not to keep young men away from their exercises the girls then stood or sat before the 'Lupanaria' to entire passes by. Hence they were called 'Prostitution or Proveda'

According to Britannica Concise Encyclopedia prostitution means practice of engaging in sexual activity, usually with

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individuals other than a spouse or friend, in exchange for immediate payment in money or other valuable. Prostitutes may be of either sex and may engage in either heterosexual or homosexual activity, but most prostitution has been by females with males as clients. It is very old and universal phenomenon; also universal is the condemnation of the prostitute but relative in difference towards the client.

According to Immoral Traffic (Prevention) Act, 1956 the word 'Prostitution' is to be construed as 'the sexual exploitation or abuse of persons for commercial purposes.

There are three important elements in prostitution:

- Promiscuity that is change of client from time to time.
- The acceptance of payment in money for the use of the body for sexual relations.
- Physical or animal nature of the sexual union.

The problem of prostitution is not new to our society. Prostitution like poverty is the oldest social problem. We find prostitution from our pre-historic days. The practice of prostitution was widespread in ancient period. In the pre-historic days, prostitution was an organized and established institution as described under the Vedas earliest of the known Indian Literature. Kautilya, in his 'Arthshastra' also refers to the duties of superintendent of prostitutes homes. Kautilya makes taxable the income of pimps and procurers. Vastayana in Kamasutra deals with all aspects of sexual love including prostitution and amorous way of love. But at that time the prostitutes were considered the glory and ornaments of the city. The 'Ganika,' the counsel of the king, was very efficient woman, well mannered, extremely beautiful, sensible and liberal towards the poor. She was jewel of the city in which she lived. In south India, custom was prevalent that 'Manglasutra' of a new bride was made by the hands of the prostitutes and this custom still prevails in India. In North East India to make a holy image of goddess 'Durga' a handful of earth from the threshold of a strumpet's house is required.

The practice of prostitution has hardly undergone any change in its basic form since ancient times. Certain forms of tradition of practice of prostitution still prevail in India is in form of Davadasis, Jogins or Venkatasins.

Devadasi System in India:-The term 'devadasi' is a Sanskrit word that can be split into 'deva' meaning God and 'dasi' meaning female slave or servant of God. It is a religious practice found in some Hindu communities, especially in Southern India, whereby at puberty, a girl is married off to a Deity of a Temple. After the dedication ritual, the girl becomes acolyte at the temple. The institution and the women in the women in the profession are known by various other local terms. For instance in Goa, devadasi are called Bhavin. They are also known as Kudikar, Bogam, or Jogin in Andhra Pradesh, Thevardiyar in Tamil Nadu, Murali, Jogaten and Diyar in Maharashtra, Jogats or Basvai in Karnataka Ganika in Orissa and as Nati in Assam. One reason for different image of terms could be the diversity of traditions followed and language all over the India. There is no substantial proof of the existence of Devdasi in ancient India. Some historian have suggested that the Devdasi system was known in the Indus Valley civilization deciphering from the evidence used in the bronze 'dancing girl' figurine. There is however, no direct reference of this

Vatsayana's classic Kamasutra (250AD) which refers to 'courtesans'. However the increasing references to temples prostitutes coincides with the rise in temple building from the 8th century onward all over India. The Devdasi system even until the colonial period was considered as an integral part of the Hindu religion and cultural life. Singing and dancing in a temple were important parts of worship, and there women were thus seen as performing a significant religious and social function. Devdasi were also perceived to be auspicious, as they were conceived to be Nityasumangalis, internally married women who could never be widowed, and as such they were necessity presences act all domestic festival celebrations. This role of the Devdasi has to be seen in conjunction with the Hindu perception of the widow as the harbinger of inauspiciousness.

In south India literary and historical records show that the Devdasi system begin to flourish during the Pallava and Chola dynasties from 6th-13th century A.D. Devdasi were originally a special and venerated group of women attendants. Some of whom like the vestal virgins of Rome, who are dedicated to the temple at birth of when they were quite young. They were required to participate in almost all the temples daily rituals and occasional ceremonies. It was matter of prestige for temples to employ Devdasi in good number. Being in the service of the deity the Devdasi was accorded both religious sanctity and social eminence. Important social occasions and functions were not considered auspicious and complete without the presence of Devdasi. She was the welcome guest of every marriage and it was the Devdasi who prepared tali (mangalsutra) for the bride however in many temples the Devdasi were sexually exploited and there earning were collected by temple authorities.

In Madhya Pradesh, Bedia Tribe women are engaged in singing, dancing and prostitution from the childhood. In Bedia Tribe according to their custom mother has to declare in the presence of the village deity 'Narsima' whether she will put her girl into prostitution or give her in marriage. At least one daughter must be resumed for prostitution according to caste rules.

Today thousands of prostitutes thrive all over India. Their bazaars are always busy and buzzing with lot of people visiting them for various reasons such as man who wants to satisfy the sex urge or excessive nagging by one's own wife or some bachelors who are victims of psycho-neurotic disorders or wife's frigidity also leads a man to the brothels in spite of social stigma attached to them and also the probability of getting the venereal disease. India is one of the biggest markets for prostitution in Asia with Mumbai alone accommodating 2, 00,000 prostitutes.

Selling and buying minor girls for the purpose of prostitutions during 2014,

Crime head	Under sections	Total number of cases
Selling Girls for Prostitution	372 of IPC	82
Buying Girls for Prostitution	373 of IPC	14

84 cases of 'selling of girls under section 372 of IPC and 14 cases of buying girls for prostitution under section 373 of IPC were reported in the country during 2014 against 100 and 6 such cases respectively in the year 2013. Only Maharashtra, Jharkhand, Haryana, Madhya Pradesh and West Bengal

reported cases of 'buying of girls for prostitution'. Eight States/UT namely West Bengal, Maharashtra, Delhi, Bihar, Chhattisgarh, Karnataka, Madhya Pradesh and reported cases of selling girls for prostitution in the country. Girls do not want to enter prostitution on their own free will. Other factors play a role to force them into this profession.

Different Kinds of Prostitution

Female Prostitution: - Female prostitution is the oldest form of prostitution in general; there does not appear to anyone characteristic, personality pattern of the adolescence prostitution, psychosis is not common. Although the majority of these girls are reflect poor self-images and lowered self-esteem. There are different classes of female prostitutions on their methods of operation and organizations income and mode of entry. The main categories of female prostitution are:-

- Brothel Prostitution
- Cage Brother prostitution
- Singing and Dancing girls
- Street Walker
- Theatre/Cinema Girls
- Massage Parlors and Health Centre Attendants.

Male Prostitution: - With the passage of time, a new form of prostitution arose as male prostitution. It is less publicized in the media, is less easily recognized than its female counterpart on the street is seldom prosecuted by legal authorities and is generally not acknowledged as significant problem by the public or professional groups. However male prostitution thrives as a major industry, every large city of the world. The main categories of male prostitution:-

- The Street Hustler
- Call boy

Child Prostitution: - The sexual exploitation of children does not happen in a vacuum, but involve a wider spread exploitation of children, sexual or otherwise. Child abuse is universal phenomenon. Children all over the world are victims of various types of physical and psychological atrocities. India is a vast country with huge population. The majority of the people are poor and this becomes the major factor for child abuse. Child prostitution and involvement of a large number of children for flesh trade is the most serious manifestation of child abuse. It is the commercial sexual exploitation of children in which a child performs the service of prostitution for financial benefit. The term normally refers to prostitution of minor or person under the legal age of maturity. Child prostitution is the worst form of all forms of child abuse which has assumed the proportions of a multibillion dollar industry, with children being bought, sold and traded like any other goods or mass produced commodity. It is a complex social problem. Through ages, every civilized society has condemned it as a moral turpitude, but in spite of relentless efforts to combat this problem, it has continued as an organized trade. There are many responsible factors for the child prostitution in India, like threats of AIDS, poverty, tourism and trafficking, cultural traditions of prostitution and industrialization and migration, etc.

Child Marriage

Marriage was a flourishing institution in the Rig-Veda society. It was a discipline and not an adventure. Even in the patriarchal society of Rig Vedic Hindus, marriage was considered as a sacramental union. Marriage is a tie which once tied cannot be un-tied. Marriage is a legally and socially sanctioned union usually between a man and one or more one woman that accords status to their offspring and is regulated by law rules, beliefs and attitudes that prescribe the rights and duties of the partners.

There are some notable features of marriage in India. Culturally, marriages are universal, arranged by the parents; occur at a young age for the girls and usually with a large age difference between the bride and the groom. Marriage in India is most often arranged between two families instead of between two individuals. Marriage is traditionally a religious ceremony and sacred duty rather than a matter of personal convenience and preference. This custom of solemnizing the marriages of children is an entrenched social custom that has prevailed fairly and widely, particularly amongst Hindus in India for several centuries, the practice is integrally connected with the culture, heritage and tradition, which has its roots in the patriarchal social structure. Marriages in the Vedic period were affected with the couples who reached a mature age. The girls consent was always sought. She even had the freedom to choose her life partner. This practice continued until the sixth and seventh centuries. Thereafter, it started to decline under the influence of Brahminic Culture. This situation deteriorated further with the advent of Muslim invaders who used to kidnap young girls. In order to protect the girls from sexual exploitation and preserve their chastity, pre-puberty marriage began to be considered the best option. With the passage of time, it became an institutionalized custom, the violation of which was met with social disapproval and disgrace. It was believed to be a sin to keep a girl in her parental home after she started menstruating. Child marriage is not a matter of Hindu Personal Law, but falls under the general law of India, which applies to all citizens irrespective of religion and background. Historically, debates and case law about child marriage have mainly concerned Hindu practice, with some apprehensions about early marriages among Muslims. Child marriages are very much prevalent in Islam religion as well. The discourse about child marriage in Hindu has been focused on the marriageable age of girls, rather than boys, though early marriages of boys are by no means unknown. Almost all systems of law have permitted marriage at an early age. Usually girls have been permitted to marriage between the ages of 13 and 16, though in most systems, the permissions or consent of the guardian for marriage have been required, if parties are below certain ages. A child below the age of puberty has been permitted to marriage with the consent of the guardian for marriage.

Child marriage is one of the most evil social customs that is practiced in India. Child marriage means solemnization of marriage between bride and groom before the completion of legal age. Recognising the ill effects of early marriage, a number of laws have been enacted during the pre-and post-independence regarding the age of marriage for boys and girls among Hindus and Christians. The Muslim in India, however, continues to practice their classical law. It was during the latter

half of the 19th century that the Civil Marriage Act, 1872, was enacted which laid down the age for marriage as 14 years for those who seeking to register under this Act. Realising the dangers of early consummation of marriage to the health of the young wives and their children, efforts were made to prevent the consummation of marriages before the girls was 12 years old by enacting the Consent Act in 1891. In 1925, the age of consent was raised to 13 years. It was, however, only in 1929 that a comprehensive legislation known as Child Marriage Restraint Act was enacted. This Act fixed the minimum age of marriage for boys at 18 years and for girls at 14 years. subsequently amendments to the Act, during 1949 and 1978 raised the minimum age of marriage for boys and 18 years for girls. Although this Act is applicable to all communities living in India becomes ineffective in respect of communities who practice the Personal Laws. Under Indian legal system, the validity of child marriage varies as per the personal laws of the party. There are number of legislations in India in which the age of marriage for girl and boy has been defined.

were reported during the year 2014. High number of cases of child marriages in India have been reported with Tamil Nadu topping list with 47 cases by Karnataka where 44 cases of child marriages.

Reasons for Child Marriage: - There are various causes for the solemnization of child marriage in Indian society:-

- Poverty in India is a main cause of child marriage. The desperate economically weak parents think that is an easy way to escape the expenses which are incurred at the time of marriage. At times the poor parents even sell off their daughters in return of money for the purpose of child marriage.
- There is a tradition of child marriage in our country. Even till today this practice is going on in the State Rajasthan. Akha Teej is considered to be the determined day to perform child marriages in the State of Rajasthan.

LEGISLATIONS	SECTIONS	MARRIAGE AGE OF BRIDE & GROOM	NATURE OF CHILD MARRIAGE
The Hindu Marriage Act 1955	5(iii)	Bridegroom = 21 years Bride = 18 years	Valid
Under the Muslim Personal Law	---	Age of Puberty Bridegroom = 15 Bride = 15	Valid
The Parsi Marriage & Divorce Act, 1939	3(c)	Bridegroom = 21 Bride = 18	Void
The Special Marriage Act, 1954	3(c)	Bridegroom = 21 Bride = 18	Void
The Prohibition of child marriage Act 2006	2(a)	Male = 21 Female = 18	Voidable ¹ and void ¹

Despite the legal provisions for the prevention of child marriage, it is still a part of Indian custom. In some states of our country, there is a custom of child marriage. In Rajasthan on Akshay Tritiya day which is popularly known as Akha Teej, hundreds of child marriages are openly performed. Akha Teej is regarded as the most auspicious day for celebrating marriages. On this day even infants who have just been born or are of only a few years old and cannot even sit or walk are married. The child brides or the bridegroom don't understand the solemnity of these ceremonies, but for elders. It is the safest and most tested way of keeping property and money within the family and of preserving the 'chastity' of their daughters. These types of marriages are greatly prevalent in Rajasthan, but in other states also there are several incidents of child marriages. According to the Census 2011, around 17% of women and just 3% of men were below 18 years of age at the time of marriage. To compare this with the past, we can look at the age at marriage of people married 20 or 30 or even 40 years ago. Among such middle aged and elderly persons, 50% of women and 6% of men reported getting married before they were 18 years old.

Incidence Of Child Marriage – Census 2011		
When married (years ago)	Incidence	
	MEN	WOMEN
Before age of 18 years		
0 – 4	3	17
20-29	7	32
>40	16	50

No doubt there is decline in incidence of child marriage in our country, but still it is prevalent in various parts of our country. A total of 280 cases of Prohibition of Child Marriage Act, 2006

- Most of the parents perform early marriage of their daughters because they are under the fear of sexual abuse of their girl child and they use the child marriage as a way to make her secure.
- In India dowry is considered to be a big burden on the parents. But under child marriage, the parties are ready to negotiate dowry, if the father of the girl is ready for the early marriage of his minor daughter. So this factor also encourages the child marriage in India.
- Girls are considered 'Paraya Dhan' in Indian Culture. Hence most of the parents hesitate to spend money on their educational and personal development. They prefer early marriage in order to shift her liability to her husband as early as possible.
- One of the other causes for the menace of child marriage is illiteracy. The illiterate parents themselves are not aware of the ill consequences of child marriage on their children's health and well-being.
- Child marriage is considered an offence under the Indian legal system, but because of lack of proper awareness and implementation of this law the evil of child marriage perpetuates.
- There are conflicts between the personal law and law of land regarding the validity of child marriage. Under the Hindu Personal Law and the Muslim Personal Law, child marriage is considered to be perfectly valid marriage. Even under the Prohibition of Child Marriage Act, 2006, child marriage is considered a voidable at the option contracting parties to the marriage.

Effects of Child Marriage: - There are several harmful effects of early marriage. Child marriages are usually arranged marriages by the parents who prefer monetary considerations to the other ones. In many cases, such marriages end in tragedy and misery. The child marriage is a great obstacle in the education and development of girls. The responsibilities of marriage do not permit the girl to pay adequate time towards their academic growth. Obviously marriage of a minor girl meant her early cohabitation with the husband. In many cases, the marriage of the girl consummate even before the girl attained the puberty. Resultantly the girls of the tender age become pregnant and are forced to become early mothers. So from the period of childhood itself, she is forced into the process of child birth. In many cases, the inner part of the female organs become injured and the woman cannot again function as wives.

Early marriage means 'early motherhood'. The mother's health gets deteriorated by repeated child births. Often the result is high rate of maternal deaths. The mother being unhealthy the off springs also suffer from various diseases and weaknesses like dwarfism, autism etc. As a result of child marriage, there was an increased number of child widows as well. This system of early marriage ultimately led to the degrading of the race. Concern over the child marriage is relevant, because child marriage continues to be a reality in India blatantly ignoring the legislations.

Unnatural Offences: -The Indian Penal Code was drafted by Lord Macaulay and was introduced in 1861 during the British time. Thus, it has been largely influenced by the British Laws. What was considered crime in Britain at that time was also been made crime under IPC to a large extent. The first accounts of sodomy as a crime were recorded in the Common Law of England texts, in Fleta in 1290 and in Britton in 1300. In both texts, the recommended punishment for the crime of sodomy was to burn the perpetrators alive. Sodomy, so called buggery, was later punished by hanging, under the Buggery Act of 1533. Under the 1533 law, buggery was described as the 'detestable and abominable Vice of Buggery committed with mankind or beast. 'The statute was repealed and then re-enacted in 1563 by Queen Elizabeth I. In the 9th century, even though the sentence for sodomy were reduced, and oral-genital sexual acts were removed from its definition, sodomy still retained its criminal status.

Sodomy was frequently documented as a criminal act in scholarly publication as well. The renowned legal scholar William Blackstone described the sodomy as an 'abominable crime' in his Commentaries on the Law of England from 1765 and 1769. Blackstone's writing on this subject had a substantial effect on the development of anti-sodomy laws in the Americas and other British colonies. Thus, the Common Laws of England, statutory provisions through history, and scholarly publications have played an important role in the dissemination of anti-sodomy laws in different parts of the world, including India. Thus, section 377 of Indian Penal Code derives its origin from the Buggery Act of 1533.

Sexual needs of a human being cannot be ignored; it is the basic truth of all biological animals. The sexual activities of human being have been sought to be controlled by the medium of religion, morals and law. Laws have been particularly

influenced a great deal by the religious injunctions in sexual relationships. The traditional general requirements of a legally and socially valid sexual relationship are:

- The element of consent must be present. Violation of the requirement results in the offence of rape.
- The two parties to the activity must be human being of opposite sex. Homosexuality and bestiality are offences based on this concept.
- The nature of the sexual act must be legitimate. The oral genital contacts and common law of sodomy, even between a consenting married couple may be an offence.
- The act must be in a private setting.
- Two parties must be situated at a certain social distance in kinship terms. The crime in incest is based on this restriction.
- The two must be married to each other; fornication is the status of the sexual act otherwise. Various laws relating to sexual behaviour are meant to enforce one or more of the above norm.

Unnatural offences are the acts of satisfying physical lust against the order of nature. Section 377 of Indian Penal Code, penalises unnatural offences. It as follows:-"Whoever voluntarily has carnal intercourse against the system of nature with any man, woman or animal shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

Explanation – Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section, the explanation of this section says that penetration sufficient to constitute the carnal intercourse is necessary to the offence.

Ingredients necessary to be proved: -The following ingredients are necessary to be proved in case of unnatural offences:-

1. The accused had carnal intercourse with any man, woman or animal;
2. Such intercourse was against the order of the nature;
3. The act of the accused was done voluntarily; and
4. There was penetration.

Classification: - Unnatural offences relate to carnal intercourse against the order of nature with any man, woman or animal. It may be classified into:-

1. Sodomy
2. Homosexuality
3. Tribadism or lesbianism
4. Bestiality; and
5. Buccal Coitus

Sodomy: - dictionary meaning: - As per Webster's Dictionary, the word sodomy includes bestiality. In Random House Dictionary, it is stated as, "Unnatural, a copulation with a human or animal; copulation of a human with an animal, bestiality."

Shorter Oxford English Dictionary gives the meaning as, "An unnatural form of sexual intercourse, especially that of one male with another."

It is very much clear that sodomy includes sexual intercourse with either sex in an unnatural way. Sexual intercourse in

natural course is a biological requirement between the two opposite sexes. It is a crime when it goes against nature. In case of sodomy (unlike rape) with or without the consent the passive agent, such intercourse comprises and offence under section 377 of the Indian Penal Code. In this case, moreover, the active as well as passive agents are punishable. Legally it is called the carnal knowledge against the law of nature. Medically it means obtaining sexual gratification through the anal intercourse. The consent is not necessary to prove because it is presumed in this case. It is impossible to perform the act without consent. As both the parties are guilty, examination and evidence of the passive agent alone is not considered sufficient to prove guilt, he being a co-accused in the case. However in case of child the consent is immaterial because he or she is generally the victim.

Homosexuality: - It means sexual desire or behaviour directed towards a person or persons of one's own sex. Homosexual means, "pertaining to or exhibiting homosexuality to the same sex." The Institute of Sex Research, founded by Alfre C. Kinsey, defines a homosexual as anyone who has had more than six sexual experiences with member of the same gender. In some countries 'homosexuality' has ceased to be an offence. Even in India, it is not considered an offence under section 377 of Indian Penal Code.

Homosexual males are normally unable to perform sexual intercourse with females. Normal sex does not give him any pleasure nor do they get any symptom of arousal by normal sexual behaviour. The homosexuals can be said to be impotent as equally applied even to the females. A lesbian wife does not get any pleasure out of normal sex with a male.

Lesbianism: - Lesbianism is practised by one woman on another. It involves a friction of external genital organs by mutual bodily contact for the gratification of sexual desire. It is said that in some instances, an unduly developed clitoris is used as instrument of passion, while in other cases, so same artificial contrivance is employed.

Bestiality: - Bestiality is the term applied to the sexual intercourse with a beast. In these cases, e confirmation rests on the medical evidence to constitute an offence under section 377 of the Indian Penal Code seminal stains are usually found on the body or clothes of the accused. Very rarely semen may be found in the vagina of the animal. The other confirmatory evidence rests in the form of animal hair on coat or under garment of the accused.

Buccal Coitus: - Buccal Coitus finds mention in the Bible. It was practised in the town of Gomorrah. It is practised by both the sexes. When a female or a male sucks the male organ, it is known as fellatio. When male or another female sucks female sex organ, it is called cunnilingus. It is punishable under section 377, IPC. Accidental deaths have been reported as a result of aspiration of semen in the respiratory passage or impaction of penis in the hypothyaryx. Post mortem diagnosis may be established by finding semen in the stomach or respiratory passage.

In India, a number of children became the victims of unnatural offences. Incidence of unnatural offences against the children in India during 2014:

Country/States (High rate of unnatural offences)	Total number of cases
India	765
Delhi	130
Haryana	108
Kerala	107

A total of 765 cases of unnatural offences were reported during 2014 in India out of which 130 cases have been detected in UT of Delhi, 108 cases in Haryana and 107 cases of these offences of this crime have been found in Kerala.

Rape:-Rape has become now a major problem of administration all over the world. India has shown least concern for the protection of the fair sex against this crime. There is a high incidence of this offence in our country. It is a crime against woman or a girl child. It is the deprivation of sexual self-determination. Often, rape is thought of as being the worst possible crime that can be committed towards a woman. Rape has been described as destroying a woman's supreme honor. Despite the fact that such a view of rape recognizes the graveness of this heinous act describing such an act as being a death less shame. It has to be treated as the greatest crime against human dignity, is problematic to the extent that it reflects a strong patriarchal notion behind the conception of rape. This is because such a description of the crime of rape passes a value judgment on the woman/girl child by hinting that her chastity is an indication of her honour and virtue, which has repercussions on the way in which a rape case is decided and sentence is delivered.

Meaning and definition of Rape: - The word Rape is derived from the 'Latin' term 'rapio' which means to seize. Thus rape literally means a forcible seizure and that is the essential characteristic feature of the offence. In common parlances, it means intercourse with a woman with her consent by force, fear and fraud.

According to the Webster's Dictionary, "rape is the illicit carnal knowledge of a woman without her consent by force, duress, intimidation or deception as to the nature of the act."

According to the Black's Law Dictionary, "rape is unlawful sexual intercourse with a female without her consent. The unlawful carnal knowledge of a woman by a man forcibly and against her will. The act of sexual intercourse committed by a man with a woman not his wife and without her consent, committed when the woman's resistance is one come by force, fear or under other prohibitive conditions."

According to the Oxford Dictionary, "rape is the seizure and intercourse with a woman against her will."

Rape being a combination of illegal sex and violence, it is a traumatic experience for the victim. Justice Krishna Iyer in case of *Rafiq v. State of UP* made a remarkable judgment, "a murderer kills the body, but the rapist kills the soul."

In almost all the societies, it is regarded as an extremely grave crime. In many countries, it is punishable with death. The very mention of it conjures visions of offender as being extremely wicked and aggressive, sand of a hapless victim. The element of violence or use of force is certain by present in a good number of cases but it is not essential element in every case of rape.

Section 375 of the Indian Penal Code deals with the heinous crime of "Rape". According to this section, a man is guilty of rape when he commits sexual intercourse with a woman in any of the seven situations given below:-

1. Against her consent
2. Without her consent
3. With her consent when her consent has been obtained by putting her in fear of death or hurt.
4. With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
5. With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substances, she is unable to understand the nature and consequences of that to which she gives consent.
6. With or without consent, when she is under eighteen years.
7. When she is unable to communicate consent.

Ingredients of offence rape: -This section consists of the following:-

1. Sexual intercourse by a man with a woman
2. The sexual intercourse must be under circumstances falling under any of the seven clauses of section 375.

Sexual Intercourse: - To constitute this offence sexual intercourse by man with a woman is necessary, A 'man' is defined by section 10 of the IPC as a male human being of any age. Thus a boy above 12 years of age is capable of committing rape under this section, whereas a boy below 12 but above 7 years of age enjoys a qualified immunity.

Against her will: The first clause of section 375 stipulate that a man is said to have committed rape, if, he has sexual intercourse with a woman 'against her will.' The term 'against her will' and 'without her consent' appear synonymous. Though ever act done 'against the will' of a person will also mean that it is done 'without the consent' of the person, an act done 'without the consent' of a person does not necessarily mean against the will". 'Without consent would denote an act being done in spite of opposition of the person. The element of active position will not be present when something is done with a woman who is asleep then it would amount to being against her will.

Without her consent: A man is said to commit rape if he has the sexual intercourse with a woman/girl without her consent. Consent on the part of a woman is a defense to an allegation of rape. It requires voluntary participation, not only after the exercise of intelligence based on the knowledge of the significance and moral quality of the act, but after having freely exercised a choice between resistance and assent. A woman is said to consent, only when she freely agrees to submit herself while in free and unconstrained possession of physical and moral power to act in a manner she wanted.

With her consent where consent is obtained by putting a woman in fear of death or hurt: The consent obtained from the prosecutrix under fear of death or of hurt is no consent and the accused shall be punished for rape. The mere fact that a

woman submits through fear does not take the offence out of the ambit of rape, submission of a female of her body under the influence of fear or terror is no consent.

- Consent obtained by misrepresentation, fraud or under mistake is no consent: Consent is a difficult proposition. Problem arises when it is proved to have been obtained by misrepresentation, fraud or under a mistake. When the consent of a woman is obtained by these methods then consent of the victim is not considered as a valid consent.
- Consent under misconception of facts: A man is also said to commit rape if he has sexual intercourse with her consent when he knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is lawfully married. The crux of the matter is that the man practises deceit. The marriage is not real. Where the consent is obtained fraudulently making her believe that she has been lawfully wedded then the offence falls under Section 375(4) and section 496 of IPC.
- Consent procured of a woman of unsound mind or under the influence of intoxication, etc.: The main object of this clause is to protect and safeguard the interest of the woman, who accords consent for sexual intercourse without knowing the nature and consequences of the act is reason of unsoundness of mind or under the influence of stupefying or unwholesome substance. In such cases it is presumed that the consent of the woman is not free and voluntary to exonerate the accused of the charge of rape.
- **Sexual intercourse with a woman under eighteen years:** A woman under eighteen years is considered incapable of giving consent for sexual intercourse. Sexual intercourse with a woman with or without her consent when she is under 18 years amounts to rape.

Sexual intercourse with a woman when she is unable to communicate consent

For an offence under this section mere penetration is sufficient to constitute sexual intercourse. To constitute penetration, it must be proved that some part of the accused was within the labia of the pudenda of the woman, no matter how little. Even a slight penetration in the vulva is sufficient to constitute the offence of rape.

Amendments in Rape Law: - Initially the rape law was amended in the year 1983 by IPC (Amendment) Act, 1983 which took place because of countrywide criticism by all sections of society including parliamentarians, women and social organizations against the judgment of the Supreme Court in *Tukaram v. State of Maharashtra*, which is popularly referred to as Mathura rape case. In this case, a 18 years old Harijan orphan girl, was living with her brother. Both of them worked as labourers to earn a living. Mathura developed a relationship with one Ashok and they decided to get married. Mathura's brother filed a complaint of kidnapping in the Desai Ganj Police Station. On his complaint, Mathura, Ashok and two others with whom Ashok was living, were brought to the police station. Statement of Mathura and Ashok were recorded and when they were about to leave, the accused asked Mathura

to wait in the police station and told Ashok and others move out. Immediately thereafter, Ganpat, one of the police constables on duty, took Mathura to a toilet and raped her despite protest and stiff resistance. The second constable Tukaram then went to Mathura and sexually molested her. He also wanted to rape her but was unable to do so for the reason that he was in a high intoxicated condition. In the meantime, Ashok and two others who were waiting outside, saw that the lights of the police station were turned off and its entrance door was closed from within. They went behind the police station and started shouting for Mathura. Tukaram then came out and told them that Mathura had already left. But, immediately thereafter, Mathura came out from the rear of the police station and informed the others that the accused Ganpat had compelled her to undress herself and had raped her. The Bombay High Court convicted the accused Ganpat to five year rigorous imprisonment and Tukaram to one year rigorous imprisonment. The Bombay High Court had observed that there was a difference between 'consent' and 'passive submission', and held that mere passive or helpless surrender of the body and its resignation to others lust, induced by threats or fear, cannot be equated with the desire or will, or can furnish an answer by the mere fact that the sexual act was not in opposition to such desire or volition. The High Court also took note of the fact that there was a complaint filed by her brother, which was pending in the police station and she was alone in police station in the middle of the night. Her subsequent conduct in immediately reporting the matter not only to her relatives establishing that she was sexually harassed, and she was subjected to forcible sexual intercourse. The Supreme Court, however, held that Mathura could not have been overawed in the police station, especially since her relatives were waiting outside. Further, no injuries were found on Mathura after the incident and the absence of injuries indicated that the alleged intercourse was a peaceful affair. The Supreme Court disbelieved Mathura's version that she put up a stiff resistance and shouted loudly for help. They described it as a 'tissue of lies' and a concoction on her part. Accordingly, both the accused Ganpat and Tukaram were acquitted of the charges of rape.

To nullify the effect of the Supreme Court judgment in the Mathura case and other cases of that period, extensive amendments were introduced to the Indian Penal Code and to the Indian Evidence Act. Sections 376-A-376-D were incorporated into the IPC, Section 114 -A was introduced in the Indian Evidence Act.

Criminal Law (Amendment) Act 2013:- This Act was brought into effect after the horrific Delhi Gang Rape which shocked the whole nation with the brutality of the act committed. On 16 December, 2012, a female physiotherapy intern was beaten and gang raped in Delhi. She died from her injuries thirteen days later, despite receiving treatment in India and Singapore. Widespread protests and agitations forced the legislature to contemplate the changing of the prevalent rape laws. The basic idea was to make them more stringent and introduce harsher punishments besides broadening the ambit and definition of the term rape. On 22 December, 2012, the Central Government appointed a judicial committee headed by J.S. Verma, a former judge of Supreme Court, to suggest amendments to criminal law to sternly deal with sexual assault cases. The committee

which also included retired Judge Leila Seth and leading advocate Gopal Subramaniam, was given a month to submit its report. The committee submitted its report within 29 days, on 23 January 2013, supposedly after considering the 80,000 suggestions. The report indicated that failure on the part of the Government and Police were the root cause behind crimes against woman.

The Cabinet Ministers on 1 February, 2013 approved for bringing an ordinance for giving effect to the changes in law as suggested by the Verma Committee Report. According to former ministers of Law and Justice, Ashwani Kumar, 90% of the suggestions given by Verma Committee report have been incorporated into the ordinance. The ordinance was subsequently replaced by a Bill with numerous changes and introduced a large range of new offences against which was passed by Lok Sabha on 19 March 2013.

Despite these amendments in rape law, incidences of rape against the girl child are on the higher side in our country. According to the National Crime Records Bureau, 2016, a total of 13766 child rape cases were reported in the country during 2014 as compared to 12,363 in 2013, accounting for an increase of 11.3% during the year 2014. Maximum number of child rape cases were reported in Madhya Pradesh (2,352 cases) followed by Maharashtra (1,714 cases) and Uttar Pradesh (2,352).

Child Trafficking:- Child trafficking is the act of recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation regardless of the use of illicit means, either within or outside the country. Child trafficking is real and sad fact of life and society. In the present world scenario trafficking in persons and the exploitation through the prostitution remains rife in various parts of the world and it is acquiring new forms and it is being pursued as an industrial scale to a dangerous extent. Trafficking is considered an act of gross commercialization of innocent human lives, perpetuated by organized criminals. Human abuse in India is on a high in which children are a vulnerable class. India is considered the sixth most dangerous place in the world for children. In the Indian context, vulnerability is a product of inequality, low status and discrimination, and of the patriarchal authority unleashed on children, especially girl children.

The expression 'traffic in human being' has been held to be a very wide expression and means any dealing in human beings like chattel. It means selling and buying men or women, like goods. It also includes immoral traffic in men, women, like goods. It also includes immoral traffic in women or girls or subjecting children to immoral or such like practices, such as making them devadasi or Jogins. Trafficking in human beings, more so in women and children, is one of the fastest growing forms of criminal activity, next only to drugs and weapons trade, generating unaccountable profit annually. The reasons for the increase in this global phenomenon are multiple and complex, affecting rich and poor countries alike, India is no exception to this. The process of trafficking is designed and manipulated by traffickers for their own ends for which they employ all kinds of means. The Constitution of India prohibits the child trafficking under Article 23. Section 370 Indian Penal Code deals with the traffic of persons. This section makes child trafficking an offence in our country.

When a public servant or a police officer is involved in the trafficking of any person, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine. The old section 370 dealing with buying or disposing of any person as a slave has been wholly replaced by this new section dealing with trafficking of person by the Criminal Law (Amendment) Act, 2013. Sub-section (1) of this section says that whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by first, using threats, or secondly, using force, or any other form of coercion, or thirdly by abduction, or fourthly, by practising fraud, or deception, or fifthly, by abuse of power, or sixthly, by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking. There are two explanations attached to this part according to the first of which the expression 'exploitation' shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. The second explanation says that the consent of the victim is immaterial in determination of the offence of trafficking. Sub-sections (2) to (7) of this section prescribe punishments for this offence. Sub-section (2) says that whoever commits the offence shall be punished with a minimum mandatory sentence of seven years, rigorous imprisonment extendable up to ten years, and shall also be liable to fine. Sub-section (3) says that where the trafficking of more than one person is involved, it shall be punishable with a minimum mandatory sentence of ten years' rigorous imprisonment extendable up to life imprisonment, and shall also be liable to fine. Sub-section (4) says that where trafficking of a minor is involved, it shall be punishable with a minimum mandatory sentence of ten years' rigorous imprisonment extendable up to life imprisonment, and shall also be liable to fine. Sub-section (5) says that where trafficking of more than one minor is involved the minimum mandatory sentence of fourteen years' rigorous imprisonment has been prescribed extendable upon life imprisonment, and shall also be liable to fine. Sub-section (6) says that if a person is convicted of trafficking of a minor or more than one occasion he shall be punished with life imprisonment which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine. Sub-section (7) says that when a public servant or a police officer is involved in the trafficking of any person, he shall be punished with life imprisonment, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine. The offence under this section is cognizable and non-bailable and is triable by the Court of Sessions.

Even exploitation of a trafficked child is also a punishable offence under Indian Penal Code. A minor has been trafficked by any person with bad intention to use such child for sexual exploitation, shall be punished with rigorous imprisonment for a term not less than five years which may extend to seven years and shall also be liable to fine.

Child trafficking has been a deplorable practice since ages. It is now being accelerated by sex tourism, pedophilia and sex

entertainment industry, which are of recent origin. The extent of trafficking in women and girls has now reached in an alarming position, especially Asian Countries. Many of them are trafficked across the borders. It is a fact that, "In this trade, police corruption extended from brothels to the soliciting in the street. They extorted protection money from brothels and enjoyed free sex with woman in return for which they guaranteed immunity from prosecution to illegal brothels, massage parlour, dancing halls bars, blue film shall etc." where most of the trafficked young girls are engaged by the traffickers and others. It is difficult to obtain accurate figures, but it is a fact that million of girls and boys worldwide are being used in sex industry, pornography and other forms of sexual abuse and sexual exploitation. Every year more than one millions girls in the industrialized and developing worlds are brought into sex industry by deception or find themselves forced to stay within it against their will. Children and their families are often unaware of the dangers of trafficking, believing that better employment and lives lie in other countries.

Procuration of Minor Girls

The procuration of minor girls has become a matter of serious national and international concern. Children, both boys and girls, have been exposed to unprecedented vulnerabilities; commercial exploitation of these vulnerabilities has become a massive organized crime and a multimillion dollar business. Nations are attempting to combat this freak in human misery through legislative executive, judicial and social action. Trafficking and procuration of children is worldwide phenomenon affecting large numbers of children, especially the girls every day. Teenaged girls and their families are often lured by the promise between employment and a more prosperous life far from their homes. Trafficking and procuration violates a child's right to grow up in a family environment and exposes him or her to a range of dangers, including violence and sexual abuse.

Section 366-A of the Indian Penal Code deals with the offence of procuration of minor. The section is attracted when a minor girl under eighteen years of age is induced to go from any place or to do any act. The intention on the part of the offender must be that such girl may be forced or seduced to sexual intercourse with another person, or the offender must know that such girl is likely to be forced or seduced to illicit intercourse with another person. The inducement may be by whatever means.

In our country, a large number of minor girls are procured from different parts of the country. They are indulged into forced prostitution, socially and religiously sanctified forms of prostitution, sex tourism and pornography. As per statistical data of NCRB 2014, 2020 cases were reported in the year 2014 as compared to 1224 such cases in the years 2013, accounting for an increase of 65% over 2013. West Bengal has reported 852 such cases followed by Assam (303 Cases) and Bihar (280 Cases).

Procuration of minor girls during 2013-2014

CRIME HEAD	YEAR		% Variation in 2014 over 2013
	2013	2014	
Procuration of minor girls	1224	2020	65%

Child Pornography

With the increasing use of internet in human life, there is preponderance of pornographic material on the web which has harmful effect not only on children and young persons, but also on society as a whole. In general terms, pornography may be said to be a predominantly sexually explicit material that is intended primarily for the purpose of arousal of sex desire. Pornography has been defined in the Oxford Dictionary as, "The explicit description or exhibition of sexual subjects or activity in literature, painting, films, etc."

The Webster Dictionary defines pornography as, "(i) Writings, pictures, etc. intended primarily to arouse sexual desire; (ii) the production of such writings, pictures, etc."

Technically, "Pornography" has come to the English language from the Greek term "Pornographeis (Porne prostitute + graphein write). Etymologically it means writing about prostitutes. Hence, it begins with porn or porno, which means "Prostitution", which further implies that the subject is not mutual love, no love at all, but domination and violence against women. It ends with a root 'graph' of which means 'writing about' or description of 'which puts still more distances between the subject and object. Thus it includes a spontaneous deep desire for closeness with object and voyeur, a dangerous situation rendering a person to become a covert, passive and powerless observer of the pornographic activities written or otherwise available in cyber space.

Online child pornography, itself constitutes a separate category of cyber crimes. This offence is committed by the use of computer and internet by its abusers to reach and abuse children sexually throughout the world at any place. The constant use of this technology has made the children a vulnerable victim to this cybercrime. Child pornography is a distinct criminal offence which when committed without right and intentionally, would include the following conduct:-

1. Offering or making available, child pornography through computer system;
2. Producing or transmitting child pornographic material online;
3. Distributing or transmitting child pornographic material online;
4. Possession of child pornography in a computer system or on a computer data storage medium.

Child pornography means any visual depiction involving the use of a minor engaging in sexually explicit conduct. Child pornography is material that visually depicts children (real children as well as computer generated depictions of children) under the age of eighteen engaged in actual or simulated sexual activity, including lewd exhibition of the genitals. According to Interpol the amount of child pornography available via the internet has increased with the advent of online pornography. However, there has been a boom in new and younger pornography users. It plays an accessory role in negative social issues such as child abuse, violence against women, rape and inequality. It is a serious issue at global level and should be tackled wisely.

As far as the history goes, pornography has been there in one form or the other since time immemorial 'Kamasutra' was the first manual on love 'written somewhere in 3000 AD and

contained explicit description of love making and related subject. So if we go by definition this can be called a pornographic work but till date, this book is considered to be an authority on the subject with numerous translations in various languages. In religious context also, the escapades of Lord Krishna with Gopis in 'Raslila' are revered in Hindu mythology. In Hindi literature, these escapades have been the subject matter of a number of books and such literature is an course books as well. The statues in famous temples of Khajuraho depict the love making scenes in explicit details and they are places of not only art and culture but of worship also. These are the few examples, which go on to prove that love in its pure form has not been a taboo in India. The painting on the walls by tribal societies hardly show the titillation caused by nudity. For nudity was natural to them. The statues of the 'Yakshi' in National Museum, the carved copulatory postures on the walls of Temples, presently preserved in Konark of Orissa State and Khajuraho in Central India are celebrating of creation, or so the intelligentsia seems to say. Though, the probability of them being temples accessible only to the artist for their titillation cannot be ruled out. There is not much research material for middle age and one does not come across articles in newspaper, magazines and other publications about pornography of the Middle Ages onwards. With the advances in science and technology, pornography also trudged a parallel path. Thus we see that pornography has also evolved from ancient caves to modern day fastest means i.e. internet and has always kept place with the development in technology. There has never been any stage of the progress where pornography has not been an integral part of human progress. *In Mr. Jayesh S. Thakkar and another v. The State of Maharashtra and others* the Bombay High Court appointed a Committee to oversee issues relating to cyber pornography and Cyber crime. The Court invited the petitioners Jayesh Thakkar and Sunil Thakkar as special invitees to provide their inputs and recommendations on cyber laws. The Committee upon identifying key issues made recommendation such as licensing of Cyber Café, introducing Identity cards for Cyber Café visitors, ensure that Cyber in Café that have cubicles or partitions be required to ensure that minors are not allowed to use machines in cubicles or behind partitions, mandatory maintaining of IP logs by cyber cafe, and so on. The Committee made several other recommendations such as connectivity and authentication at Internet service provider level which provided that Internet service providers were responsible for time clock coordination and record keeping. The report addressed the issue of protecting minor children from accessing adult sites and made a recommendation that Internet Service Providers must protective parental software with every Internet connection. The Committee placed a special emphasis on lack of technical knowledge in the police and recommended special training of cyber cops. The report of the Committee was well accepted by the Courts and is being put in to practice by the Police and Cyber cafes jointly.

When it comes to victims of a crime the children form a class that is most vulnerable, and an easy prey to the criminals. Similar is the case with cyber pornography. The cyber criminals often try to exploit the innocence of the children to satisfy their urge to commit crimes. In the process, they not only victimize these innocent souls but also sometimes change by their criminal acts the life of these children beyond repair.

Children are the future of nation and thus the crime against children should be seen in larger perspective as a crime against the future of a nation.

Magnitude of Sexual Offences against Children

It can be seen that a plethora of crime are committed against the children. The children because of their innocence easy and feeble body structure become easy victim of the sexual offences. The statistical data from 2005 to 2014 exhibits that the sexual offences against children are continually increasing in India.

to 2014. The graph of sexual offences against the children is increasing shockingly day by day. It establishes that average 3 cases of sexual offences against children is reported in India after every 39 minutes.

Major categories of sexual offences against children

There are various forms of crime committed against the children in India. Major categories of sexual offences includes child rape, kidnapping and abduction, child prostitution, procurement of minor girls, buying and selling girls for immoral purposes and child marriage, etc.

Sr No.	Crime Head	Years 2005 to 2014										% Variation in 2014 over 2013
		2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	
1	2	3	4	5	6	7	8	9	10	11	12	14
1	Rape	4026	4721	5045	5446	5368	5484	7112	8541	12363	13766	11.3
2	Kidnapping & Abduction	3518	5102	6377	7650	8945	10670	15284	18266	28167	37854	43.4
3	Procurement of Minor girls	145	231	253	224	237	679	862	809	1224	2020	65.0
4	Importation of minor girls from foreign country (below 18 Years)	-	-	-	-	-	-	-	-	-	2	-
5	Buying of girls for Prostitution	28	35	40	30	32	78	27	15	6	14	133.3
6	Selling of girls for Prostitution	50	123	99	49	57	130	13	10	100	82	-18.0
7	Assault on woman(girl children) with intent to outrage their modesty	-	-	-	-	-	-	-	-	-	11335	-
8	Insult to the modesty of women (girl child too)	-	-	-	-	-	-	-	-	-	444	-
9	Unnatural Offences	-	-	-	-	-	-	-	-	-	765	-
10	Prohibition of Child Marriage act 2006,/Child Restraint Act, 1929	122	99	96	-	-	-	-	169	222	280	26.12
11	Protection of children from Sexual Offences Act, 2013	-	-	-	-	-	-	-	-	-	8904	-
12	Other Crimes	4697	6127	5974	6699	6985	7253	7293	7411	13037	8484	-34.9
13	TOTAL	12682	16438	17884	20098	21624	24294	30591	35221	55119	83950	52.30

The statistical data of National Crime Records Bureau of 10 years since 2005 to 2014 has been observed and analyzed to be acquainted with the number and intensity of sexual offences against children. As per the data, total number of cases reported in India regarding sexual and other crime against children was 12,682 in 2005. The number of sexual offences against children had increased in the next year with 16,438 cases in 2006. The increase continued in the next successive years and there were total 17,884 cases of sexual offences against children in 2007, total 20,098 cases in 2008, 21,624 cases in 2009, 24,294 cases in 2010, and 30,591 cases in 2011, 35,221 cases in 2012, 55,119 cases in 2013, this number swelled to 83,950 cases of sexual offences against children in 2014.

As per statistical data of 10 years of the NCRB since 2005 to 2014, during this period, total 71,881 rape cases against girl child were reported noticeably the number of reported cases since 2005 to 2008 regarding kidnapping and abduction was 141,833. Furthermore in such a short span of time of ten years since 2005 to 2014, there were 6684 reported cases of procurement of minor girls throughout India. In these years, 305 cases of selling girls for prostitution and 713 cases of buying girls for prostitution have been reported. Besides that, there were 988 cases of child marriage found in the country.

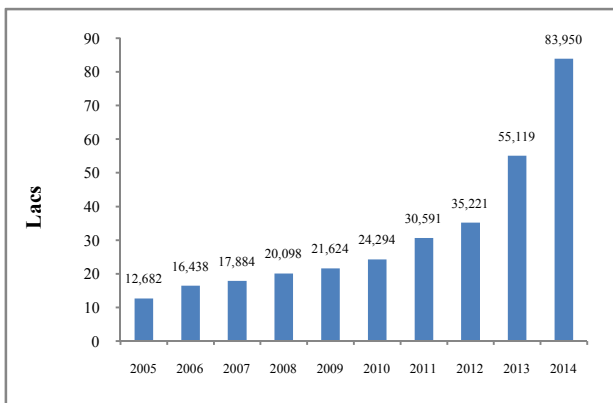


Diagram 1 Sexual Crime against children in India (2005 to 2014)

Source: National Crime Records Bureau of India

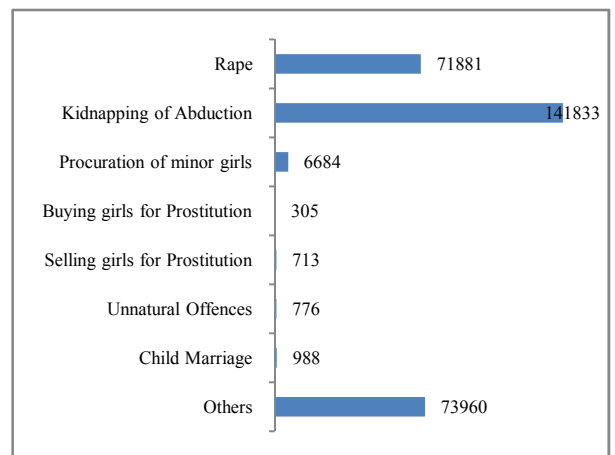


Diagram 2 Major categories of Sexual Crime against children in India (2005 to 2014)

Source: National Crime Records Bureau of India

The data divulges that total 317,901 case of 'sexual offences against children' are reported in Indian in 10 years from 2005

The data reveal that kidnapping and abduction of children occur as the largest crime against children in India. This crime

against children has been constantly increasing for the last 10 years and there is no letup in this offence. Rape of girl child has been confirmed as the second largest crime against girl child in India. The crime of the procurement of minor girl stands as the third largest crime against children while child marriage of course as the fourth largest offence against the children. Furthermore, the crime of selling of the girls for prostitution comes into view as the fifth largest crime against children while the buying of minor girls for prostitution comes out as the sixth major crime against the children in India.

Child Rape: - Rape is a heinous act that crosses all limits – it’s against human dignity and more dastard, ghastly and brutish if it is committed against children by near relatives of the innocent children who considered to be in their best protection is the worst of crime. Father, uncle, brother are the persons in the family who have all the love and affection for the children. They are also responsible for their moral, spiritual and temporal development. If such relatives commit this act who can be trusted and the paternal, maternal and fraternal relations stand on shame. Incestual relations are often reported in the leading dailies. The magnitude of such crimes both against the males and females remain hidden as such crimes are generally not reported.

According to the data of the NCRB, total 71,881 cases of child rape were reported throughout India during the period of ten years from 2005 to 2014. Total 4026 cases of child rape were reported in the year 2005 while there were total 4721 reported cases of rape in India in 2006. The NCRB had discovered total 5045 cases in 2007 and 5446 cases in 2008. The NCRB had further reported 5368 cases in 2009, total 5484 cases in 2010 and 7112 cases in 2011. The number of cases regarding child rape reported by NCRB was 8541 in 2012 and 12363 in 2013, and 13766 in 2014.

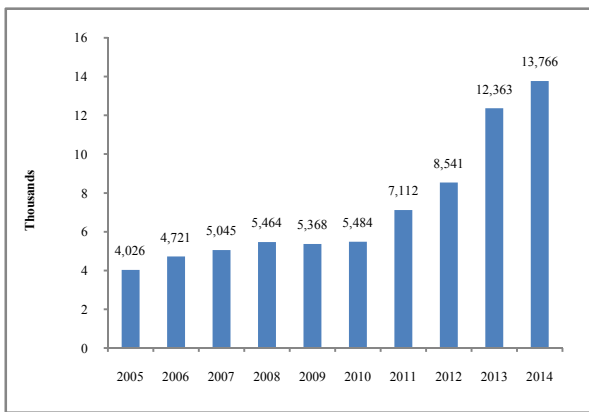


Diagram 3 Child rape in India (2005 to 2014).

Source: National Crime Records Bureau of India

The data show that heinous crime of rape is increasing day by day in Indian society. The graph of this offence against the girl child has been on the higher side from 2005 to 2014. The number of rape cases against the girl child declined to 1.25% in 2009. In 2010, there was an increase of 2% and till 2014; the cases of child rape have been rising continuously.

Kidnapping & Abduction of Children: - Total 3518 cases of kidnapping and abduction of children were reported in India in 2005. The NCRB in 2006 had discovered 5102 cases of kidnapping and abduction of child in India. In 2007, it has

been found by NCRB that there were 6377 cases of kidnapping and abduction of children. It has been divulged that in 2008 this number had risen up to 7650 while it had reached 8945 in 2009 and 10,670 cases were reported in 2010. Furthermore the NCRB had reported 8945 cases in 2009 and 10,670 cases in 2010. NCRB had reported 15,284 cases in 2011, 18266 cases in 2012. The number of cases had increased to 28,167 in 2013. The increase proceeded rapidly in the time span of one year and the NCRB reported 13,766 cases of kidnapping and abduction of children in the year 2014.

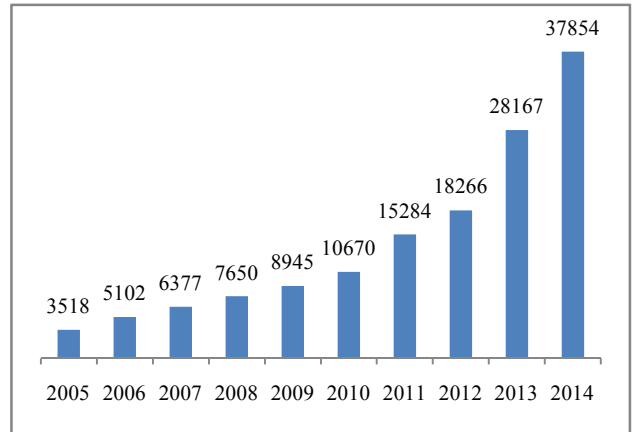


Diagram 4 Cases of Kidnapping and Abduction of Children in India (2005 to 2014)

Source: National Crime Record Bureau of India

The figure affirms total 141,833 reported cases of kidnapping and abduction of children in India during the time period of ten years (2005 to 2014). The ratio of the offence kidnapping and abduction against children was high during the period of ten years (2005-2014) as compared to the other crimes. The NCRB data shows that kidnapping and abduction of children stand first largest offence against children. The graph of cases of kidnapping and abduction against the child continuously was on the higher side and there was in letup in such offence during the time span of 10 years. There was constant increase in the number of reported cases since 2005 to 2014. The number of cases has increased enormously in the year 2014. The data had drastically increased by 44% in 2013, while there was 11.34% rise in the cases of kidnapping and abduction in the year 2014.

Procurement of Minor Girls: - According to National Crime Records Bureau, Report, 145 cases of procurement of minor girls were reported in 2005 throughout India. The number of cases regarding the same offence against the minor girls was 231 in 2006 and to increase to 253 cases in 2007. The NCRB had reported 224 cases of same crime in 2008 and 237 cases in 2009 against the minor girls. The number had increased to more than double in the next year with 679 cases in 2010. The increase continued in the successive years and there were 862 cases in 2011, total 809 cases in 2012 and 1224 cases in 2013. The number of cases of the crime procurement of minor girls had rapidly increased in the years of 2014.

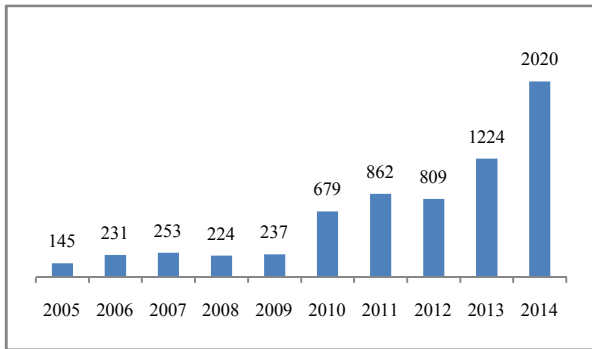


Diagram 5 Procurement of Minor Girls in India (2005 to 2014)

Source: National Crime Records Bureau of India

The data explains that total 6684 cases of procurement of minor girls were reported in India in ten years (2005 to 2015). It confirms that on an average 2 cases of procurement of minor girls were reported in India after every 2 days. The NCRB had reported total 145 cases of the same offence in 2005. The number of cases increased to 0.59 % in 2006 in comparison to 2005. There was a decrease of 0.11% in 2008 as compared to the number of cases in 2007. Again there was increase of 1.85% of cases of same the offence against the minor girls in 2010 in comparison to 2009. The year 2013 had witnessed a further increase of 0.51% over the year 2012. An increase of 0.65% in 2014 in contrast with 2013 has been witnessed.

Buying of Girls for Prostitution: - The statistical data of NCRB asserts that there were 28 cases of buying of girls for prostitution reported in India in 2005. Total 35 cases of same offence in India were reported in 2006. In 2007, the NCRB had discovered 40 cases. The number of cases was 30 in 2008 and 32 in 2009. The NCRB had further reported 78 cases in 2010. There was more than double increase in such cases in 2010. The number of cases had declined to 27 in the year 2011. The decrease in number continuously with 15 cases in 2012. Total 6 cases in 2013 and 14 cases in 2014 have been reported through India.

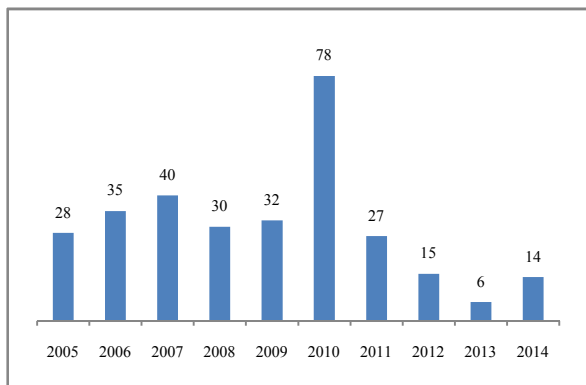


Diagram 6 Cases of buying of girls for Prostitution in India (2005 to 2014)

Source: National Crime Record Bureau of India

The data reveals that total 305 cases of buying girls for prostitution were reported in India in the period of ten years (2005 to 2015). The NCRB data shows that buying girls for the prostitution stands 6th largest crime against the minor girls in India. There are few ups and downs in the number of cases till 2009. The number of same crime shockingly increased in 2010 against 65% decrease of such crime against the minor

girls in the year 2011. Since 2012 to 2013, a decrease was noticed in the number of reported cases. The number in 2014 had increased to 133.3% in comparison with 2013.

Selling of girls for prostitution: - Total 50 cases of selling of girls for prostitution were reported in India in 2005. The National Crime Records Bureau, in 2006 had reported 123 cases of same offence. In 2007, it had reported 99 cases. In 2008, the number of cases reported by NCRB regarding selling of girls for prostitution was 49. The NCRB had found 57 cases in 2009 and 130 in 2010. The graph of the offence selling girls for prostitution purpose was shocking raised in 2010. Whereas in 2011, the cases of same offence had decreased to 13 cases in the country. Again there was a decline in the cases of selling girls for prostitution in 2013 to 10 cases. The NCRB reported that in the year 2013, the number of cases had increased to 100 in 2013. Further in the year 2014, there was slight decline in such cases. In 2014, the NCRB reported that 82 cases of selling girls for prostitution in throughout India.

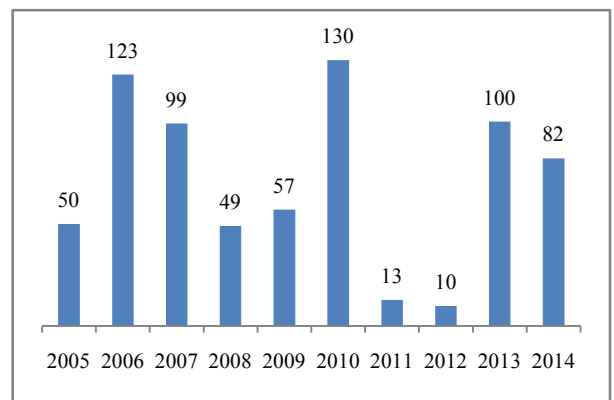


Diagram 7 Cases of Selling of girls for Prostitution in India (2005 to 2014)

Source: National Crime Records Bureau of India

The data asserts that there are total 713 reported cases of selling girls for prostitution in ten years since 2005 to 2014. It means that on an average 70 cases of selling girls for prostitution are reported in India in every year. It further establishes that on an average 1 case of selling of girls for prostitution is reported in India every 5 days. There are a few ups and downs in the number of cases in these ten years. The number increased from 2005 to 2006 and there was an increase of 1.46% in 2006 in comparison with 2005. Since 2007 to 2009, a decrease was noticed in the number of reported cases of selling girls for prostitution in India. In 2010, the number of cases of same offence has increased; there was approximate one third increased in cases of the same offence in 2010 as comparison with 2009. Again there was a constant decrease in the number of reported cases since 2011 to 2012. The number had increased 2013, and there was an increase of 90% in 2013 in comparison with 2012. These numbers had decreased to -18% in 2014 in comparison with 2013.

ILL Effects of Sexual Offences on Children

It is a fact that millions of girls and boys worldwide are being sexually abused within homes and outside. They are abused by families and known persons. The perpetrator can be anyone who exploits the child’s vulnerability to gain sexual gratification. It involves mental, physical and emotional abuse of the child through overt and covert sexual acts, gestures and

disposition –when informed consent or resistance by the child victim to such acts is not possible. It can also include activities which do not involve direct touching. The impact of sex related offences on children can be devastating and long –lasting. Justice Kristna Iyer in the case of *Rafiq v State of Utra Pradesh* made a remark that “a murder kills the body, but the rapist kill the soul”. The sexual abuse of children can leave their mind and soul completely mutilated. The effects may range from physical to emotional to psychological and even societal.

Physical Effects: –The physical effects of sexual violence on children may makes them handicapped throughout their lives. The risk of contracting sexually transmitted infections, AIDS, somatic concern, permanent damage to their reproductive organs may be a few out of the many effects of sexual abuse on the children of tender age. The girl children who are sexually exploited may even get pregnant and can also suffer from miscarriage which results in deterioration of their health. It also at times may lead to death of the victim. Apart from this the sexual abuse on child may cause severe weakness and their soul being charred, they may suffer from mental illnesses which may further result in loss of appetite.

Psychological Effects:- The human mind basically is responsible for upliftment of the human being .What a person thinks definitely have an effect on the human body, in case of sexual abuse of the child not only the body but also the soul and mind of the child is injured. The psychological effects of the sexual abuse on children may be manifold. It may result in the child going into depression, the child suffering anxiety and from lack of self worth. Another outcome may be loss of trust and confidence on others. Such children may be excessively suspicious of the stranger s or even the close relatives and friends as in many cases the ones who are entrusted with the safety of the children are responsible for the exploitation. They may also suffer from the feeling of being too damaged to love again. They may also develop fear from entering into any intimate act with their spouses in later life. Certain children may also indulge in use of abusive language, their abuse may result in their mental health being impaired and they may develop aggressive behaviour. Their lack of self –esteem may cause them to feel themselves to be worthless and they indulge self beating as they at times feel themselves ‘wrong’ rather than the being the ‘wronged’. At times the children who have been wronged may indulge in doing the same with others and it may result in their lack of interest in academic and other positive activities.

Societal Effects:- Our society, rather than empathizing with the victim indulges in victimizing the victim. This has been found that quite often the victim of sexual offences is socially ostracised. The tender age children who are already abused are further abused by the society .The parents, the teachers, the close relatives often sideline the child against whom the offence has been committed, rather than to give positive support to the children. They indulge in passing negative opinions about the child .This may result in the child developing a feeling of shame and guilt. The child may feel defenseless and frightened. Rather than to rise above the tragedy they develop suicidal behaviour. The children being socially debarred may develop feeling of loneliness and

depression. If they feel banished they may indulge in activities which may range from self- beating to suicide.

CONCLUSION AND SUGGESTIONS

The children are said to be the nation builders, the country’s development and progress depends largely upon their well-being and growth. If only children are possessing good health and progressive attitude today, only then they will be in a position to work for the country’s progress tomorrow. But if the children themselves are abused then possibly what kind of contribution they will be able to provide for the nation development .The daily newspaper reports about the abuse of children, send a shiver down the spine. The television shows what horrific crimes are committed against children today. All this makes our heads hang in shame .On one hand we call children images of God and on the other hand our society is full of criminals against the children. Children are like innocent flowers, very presence of whom makes the whole environment fragrant, but the criminals instead of appreciating their innocence, destroy their fragrance before they bloom. In our society the children have been exploited since ages either in the name of religion, poor economic condition and poverty. Child marriages, Devdasi etc. are the result of these evil customs of our society. Orphans are in need of more love and affection, but the orphanages in the name of providing relief to these children sexually exploit them. ‘Nithari Serial Killing Case’ in Noida and the more recent ‘Apna Ghar’ case in Rohtak highlighted the horrifying sexual abuse of children by the authorities there.

1. The reported cases of child sexual abuse are just tip of the iceberg; many cases go unreported as the reporting of these cases may result in the child’s family being stigmatised. The NGOs and the self help groups must inculcate the feeling amongst the masses that children are gifts of God they are never the culprits rather they themselves are the victims. They should not further be mauled by the society .They need to be sympathized and supported. The electronic and the print media must highlight this thing. The help of the media can be taken extensively to propagate the child helpline’1098 ‘which has been started recently by the Government of India. The media must educating the masses with regard to the child sexual abuse, their ill effects on the tender age children with the help of seminars, deliberations, nukkad naataks etc..
2. The child psychologist and NGOs must come forward to support the victims of sexual offences. They must adopt a sympathetic approach towards the victims and they must make an endeavour to extract the feeling of shame and guilt from the victims.
3. The children who are more prone to sexual abuse must be given knowledge about the sexual offences which may take place against them. Because quiet often it is seen that the children due to their being immature are unable to reckon that they are being sexually exploited. The schools have here have a significant role to play. They must be provided information about the behavioural pattern of the sexual offender. The children must be given knowledge so that they may raise a voice if they are wronged.

4. The children must be prepared to raise not only their voice but also their hands in case of sexual abuse. This implies that they must be given proper training for self-defense and protect themselves against the offenders. The responsibilities again are on the governmental and non governmental agencies to provide such training to the children like judo, karate and martial arts etc. However the greater responsibility rests on the schools to develop these skills amongst the children.

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